STATE OF NEW YORK

5367

2017-2018 Regular Sessions

IN ASSEMBLY

February 8, 2017

Introduced by M. of A. O'DONNELL, SEPULVEDA, WALKER, BLAKE, KAVANAGH -- Multi-Sponsored by -- M. of A. LENTOL -- read once and referred to the Committee on Election Law

AN ACT to amend the election law and the correction law, in relation to voting by convicted felons

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 2 of section 5-106 of the election law, as amended by chapter 373 of the laws of 1978, is amended to read as follows:

2. No person who has been convicted of a felony **and sentenced to a period of imprisonment for such felony** pursuant to the laws of this state, shall have the right to register for or vote at any election unless he [~~shall have been pardoned or restored to the rights of citizenship by the governor, or his maximum sentence of imprisonment has expired, or he has been discharged from parole. The governor, however, may attach as a condition to any such pardon a provision that any such person shall not have the right of suffrage until it shall have been separately restored to him~~] **or she has been released from incarceration for such felony or released from serving a time assessment pursuant to subparagraph (x) of paragraph (f) of subdivision three of section two hundred fifty-nine-i of the executive law**.

§ 2. Subdivision 3 of section 5-106 of the election law is amended to read as follows:

3. No person who has been convicted in a federal court, of a felony, or a crime or offense which would constitute a felony under the laws of this state, **and sentenced to a period of imprisonment for such felony,** shall have the right to register for or vote at any election unless he [~~shall have been pardoned or restored to the rights of citizenship by the president of the United States, or his maximum sentence of imprisonment has expired, or he has been discharged from parole~~] **or she has been**

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD00170-01-7

released from incarceration for such felony or released from serving a time assessment pursuant to a violation of parole supervision under federal jurisdiction.

§ 3. Subdivision 4 of section 5-106 of the election law is amended to read as follows:

4. No person who has been convicted in another state for a crime or offense which would constitute a felony under the laws of this state and sentenced to a period of imprisonment for such felony, shall have the right to register for or vote at any election in this state unless he shall have been pardoned or restored to the rights of citizenship by the governor or other appropriate authority of such other state, or his maximum sentence has expired, or he [~~has been discharged from parole~~] or she has been released from incarceration for such felony or released from serving a time assessment for a violation of parole supervision under the jurisdiction of courts, paroling authorities, corrections or other criminal justice agencies.

§ 4. Section 75 of the correction law, as amended by section 18 of subpart A of part C of chapter 62 of the laws of 2011, is amended to read as follows:

§ 75. Notice of voting rights. Upon the [~~discharge~~] release from a correctional facility of any person [~~whose maximum sentence of imprisonment has expired or upon a person's discharge from community supervision,~~] the department shall notify such person of his or her right to vote and provide such person with a form of application for voter registration together with written information distributed by the board of elections on the importance and the mechanics of voting.

§ 5. The correction law is amended by adding a new section 510 to read as follows:

§ 510. Voting upon release. Upon the release from a local correctional facility of any person convicted of a felony the chief administrative officer shall notify such person of his or her right to vote and provide such person with a form of application for voter registration together with written information distributed by the board of elections on the importance and the mechanics of voting.

§ 6. The department of corrections and community supervision shall notify each person serving a period of community supervision on the effective date of this act of his or her right to vote and provide such person with a form of application for voter registration together with written information distributed by the board of elections on the importance and the mechanics of voting.

§ 7. This act shall take effect immediately, provided, however, that sections four, five, and six of this act shall take effect on the one hundred twentieth day after it shall have become a law.